THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.8006 OF 2000

DATED:3.3.2006

Between:

V. Munikrishnaiah and others

…Petitioners

And

The District Collector, Chittoor,

Chittoor District and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.8006 OF 2000

ORDER:

The petitioners, who are eighteen in number, claiming to be in possession of land in S.No.543/1A and 543/2A of Peruru Village, filed the present Writ Petition seeking a declaration that the action of the respondents in trying to dispossess them is illegal and arbitrary. It is their case that the land was initially allotted to one Bodaiah. Subsequently, Bodaiah sold a part of the land to Venkatesu under registered sale deed dt.21.2.1972, to whom the revenue authorities allegedly issued pattadar pass books. Subsequently, the petitioners purchased small extents of land in the two survey numbers from Venkatesu for construction of houses. They also stated that the respondents did not allow the petitioners to construct houses and were trying to evict the petitioners. Therefore, present Writ Petition is filed.

This Court while admitting the Writ Petition passed interim orders in W.P.M.P.No.10468 of 2000 directing the respondents not to dispossess the petitioners without following due process of law. Be that as it is, the third respondent has filed counter affidavit alleging that the petitioners purchased the assigned land in contravention of the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short, the Act). It is also stated that after this Court admitted the writ petition and passed interim orders, the Mandal Revenue Officer issued notice to the petitioners and passed orders under Section 4 of the Act on 27.2.2002. It is also stated that possession was also taken from them. This counter affidavit was filed on 8.11.2002. Now the petitioners have come forward with an application being W.P.M.P.No.26831 of 2005 seeking to amend the Writ Petition so as to challenge the proceedings of the Mandal Revenue Officer dt.27.2.2002.

Even assuming that the petitioners have originally challenged the proceedings of the Mandal Revenue Officer under Section 4 of the Act ordering resumption of the land with the Government, Writ Petition would not be maintainable because petitioners have effective alternative remedy under Section 4-A of the Act. Even now, it shall be open to the petitioners to approach the second respondent by filing appeal. Two weeks time is granted to the petitioners to file appeal. As and when such appeal is filed, second respondent shall consider the appeal on merits and pass appropriate orders keeping in view the allegation that they are landless poor persons. The counter averment that possession of the land is already taken is record.

The Writ Petition with the above observations is accordingly disposed of.

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(V.V.S.RAO, J)

3.3.2006

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